

CAPITOL ZONING DISTRICT COMMISSION

STAFF REPORT

7/3/13

BSJ / BIM



Location: 1404 S. Scott St
Applicant: Patrick Cowan
Permit Type: Certificate of Appropriateness

Project Description: This application is for a Certificate of Appropriateness to allow for the installation of a four foot (4') high front yard fence. The fencing will be made of black metal pickets in eight foot (8') lengths supported by square poles capped with decorative balls. The proposal calls for a twelve-foot (12') wide arched gate, rising to five feet high (5') at its mid-point, at the existing curb cut near the northwest corner of the property, as well as for two additional gates at existing walkways on the north and east.

Previous Action: In March 2011, Capitol Zoning staff issued permits to the current owner for repairs to the roof, installation of security cameras, and the change to single-family use. That same month, the Commission denied a request for a four-foot high front-yard fence. In April 2011, staff issued a permit for a 40-inch front yard fence, and in March 2013 staff issued another permit for exterior repairs.

Historic Significance: One of the most historic residences in all of Arkansas, the Augustus Garland House was constructed in 1873 in the Italianate style. The house is significant not only for its "Steamboat Gothic" detailing, but also as the residence of two governors and the birthplace of Arkansas's Pulitzer Prize-winning poet, John Gould Fletcher. After constructing the house for his family in 1873, the already prominent lawyer and politician Augustus Hill Garland was elected Governor in 1874. He was subsequently elected to the United States Senate and later served as US Attorney General. Mrs. Logan Roots purchased the house in 1896, and it again served as a governor's mansion when it was rented from 1917-22 by Governor Charles Hillman Brough. The property was still owned by descendants of Mrs. Roots as late as 1999. The current owners acquired the property in 2011. The property is located in the MacArthur Park Historic District and was individually listed National Register of Historic Places in 1975. The home's appearance is largely unaltered from its original configuration.

Zoning: This structure is located in Zone "N", Neighborhood Residential & Commercial. This special zoning category for the Mansion Area allows for some commercial and office uses in a context that was traditionally residential in character.

Review Standards for Certificates of Appropriateness:

Capitol Zoning District Commission Rule, Section 2-105. C. 1. (b) A Certificate of Appropriateness shall ... be required for the erection of any new ... site improvements such as ... fences ... Applications for new construction requiring Commission approval will first be scheduled for a review by the Design Review Committee which will make a recommendation regarding proposed work's appropriateness in historical style in the context of adjoining or neighboring structures; and its consistency with the goals of the Commission's Master Plan and Standards.

Capitol Zoning District Commission Rule, Section 2-105. C. 1. (e) When considering an application for a Certificate of Appropriateness, the Commission shall consider any applicable review Standards and Master Plan goals, the recommendations offered by the committees and staff, as well as any public testimony or evidence presented at the public hearing.

Capitol Zoning District Commission Rule, Section 2-105. F. ... All changes in the Capitol Zoning District will be evaluated according to the General Standards and the applicable Area Framework Plan. Changes to historic structures or site features shall be evaluated according to the Rehabilitation Standards for Historic Properties. Structures and site features 40 years or older are assumed to be historic, unless they have been significantly altered, and reversing the alteration(s) would be impossible or wholly unreasonable ... Changes to all other structures and site features, as well as new construction, shall be evaluated according to the applicable Design Standards.

Staff finds, based on documentary and physical evidence, the property to be historic because the structure is over 40 years old and not significantly altered. Staff finds the proposal should be evaluated using the Rehabilitation Standards, the General Standards, and the Mansion Area Master Plan.

Capitol Zoning Rehabilitation Standards for Historic Properties, Interpretation of Terms Related to Compliance

Historic - In general, a historic property is one that is at least 40 years old or older and largely unchanged; some properties less than 40 years old may also be considered historic if they are of exceptional significance. The CZDC is especially concerned with those properties that are associated with significant people or events or convey a character of building and design found during the District's period of significance, roughly 1880-1940. Note that in some cases, a CZDC-designated property may also be listed in the National Register of Historic Places.

Capitol Zoning District Rehabilitation Standards, Basic Preservation Theory

Period of Significance In most cases, a property is significant because it represents or is associated with a particular period in its history. Frequently, this begins with the construction of the building and continues through the peak of its early occupation. Building fabric and features that date from the period of significance typically contribute to the character of the structure. Historic neighborhoods also have a period of significance. The Mansion Area, for example, has a period of significance which spans approximately 60 years (1880-1940) ...

Staff finds the property to be historic because of the documentary and physical evidence indicating the structure was built in the mid-to-late 1940s. Staff further finds, based on the same evidence, that the property is strongly associated with the District's period of significance.

Capitol Zoning Rehabilitation Standards for Historic Properties, Streetscape Design Standards

Policy: Historic streetscape and site features that survive should be preserved. In addition, new features should be compatible with the historic context.

Staff finds the proposal is not consistent with this policy. Staff believes the proposed fence's height is not compatible with the historic context and the proposed installation serves to damage historic site features.

R1.6 Preserve historic walkways in front yards.

- Preserving historic stone and brick paving is particularly important.
- The historic paving pattern and mortar details also should be preserved.

Staff finds the proposal is not consistent with this standard. The proposed fence's prefabricated design calls for placement of a newel post every eight linear feet. Installing a newel post at the location of an existing brick walkway will serve to damage the property's historic materials.

R1.8 A new fence should be in character with those seen historically.

- The fence should be in keeping with the building style.
- Where a fence is to be used along a public right of way, a metal picket fence, in the character of traditional wrought iron, is preferred ... Pickets should be evenly spaced.
- A fence that defines a front yard is usually low to the ground (less than 40 inches). This scale should be maintained.
- Newel posts should be in character with the fence. Decorative metal newel posts should be used with wrought iron, for example ...
- On corner lots, both sides that abut public sidewalks and streets should be treated as front yard fences.

Staff finds the proposal is partially consistent with this policy. The design of the proposed fence, in the character of a traditional wrought iron fence, is in keeping with those found historically in the Mansion Area. But the proposed four-foot (4') height is significantly higher than what was typical among historic fences.

Capitol Zoning Rehabilitation Standards for Historic Properties, *About This Document*

An asterisk adjacent to a statement in the text indicates that it is a standard that will not be waived by the Capitol Zoning District Commission for historic structures or site features built during the District's period of significance ... Other text, without an asterisk, will also be considered in the Commission's reviews, but may be waived if it is demonstrated to the Commission's satisfaction that such a waiver will not adversely affect the historic integrity of the surrounding neighborhood. *Staff finds the structure to be historic, and believes it was built during the District's period of significance. Although the standards listed above (R1.6 and R1.8) are not marked with an asterisk, staff believes that waiving these standards would result in an adverse affect to the historic integrity of both the property and the surrounding neighborhood. Staff believes this adverse effect arises from the proposal's inconsistency with the goals for the Mansion Area, below.*

Mansion Area Master Plan, *Planning & Design Goals*

3. To create an improved image and stronger sense of identity.

5. To establish new and to better define existing gateways into the neighborhood.

Staff believes the proposal is NOT consistent with these goals. Staff believes that excessive fencing can serve to reinforce negative stereotypes about downtown Little Rock as disinvested and undesirable. And since this property sits near the Mansion Area's north and east boundaries, it is important to evaluate any proposal at this property with respect to its position as a "gateway" into the neighborhood.

Mansion Area Master Plan, *Urban Design Goals*

1. To preserve the character of the Mansion Area neighborhood and individual historic buildings.

3. To establish a sense of visual continuity within the Mansion Area neighborhood.

Staff believes the proposal is NOT consistent with these goals. Staff believes the proposed fence could serve to detract from the visual continuity and character of the Mansion Area.

Neighborhood Reaction: none to date

Staff Recommendation: Staff believes the proposal is, on the whole, inconsistent the applicable review criteria and recommends **denial**.

Design Review Committee Recommendation: The Committee voted 5-1 to recommend **denial** of the application.

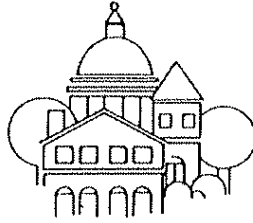
Archive photos of property



Garland House, with fence, circa 1909



Photo from 1978 QQA survey



CAPITOL ZONING DISTRICT COMMISSION

APPLICATION FORM

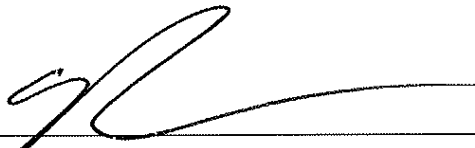
PROPERTY ADDRESS 1404 Scott Street, Little Rock, AR 72202

PROPERTY OWNER Patrick + Ida Cowan

PERSON FILING APPLICATION
if other than owner

APPLICANT PHONE AND EMAIL

APPLICANT SIGNATURE AND DATE

 3/13/13

Signature certifies that applicant is authorized to represent this property, and that all information presented in this application, as well as in any supporting materials, is true and correct to the best of the signatory's knowledge.

DESCRIPTION OF PROPOSED WORK AND / OR USE

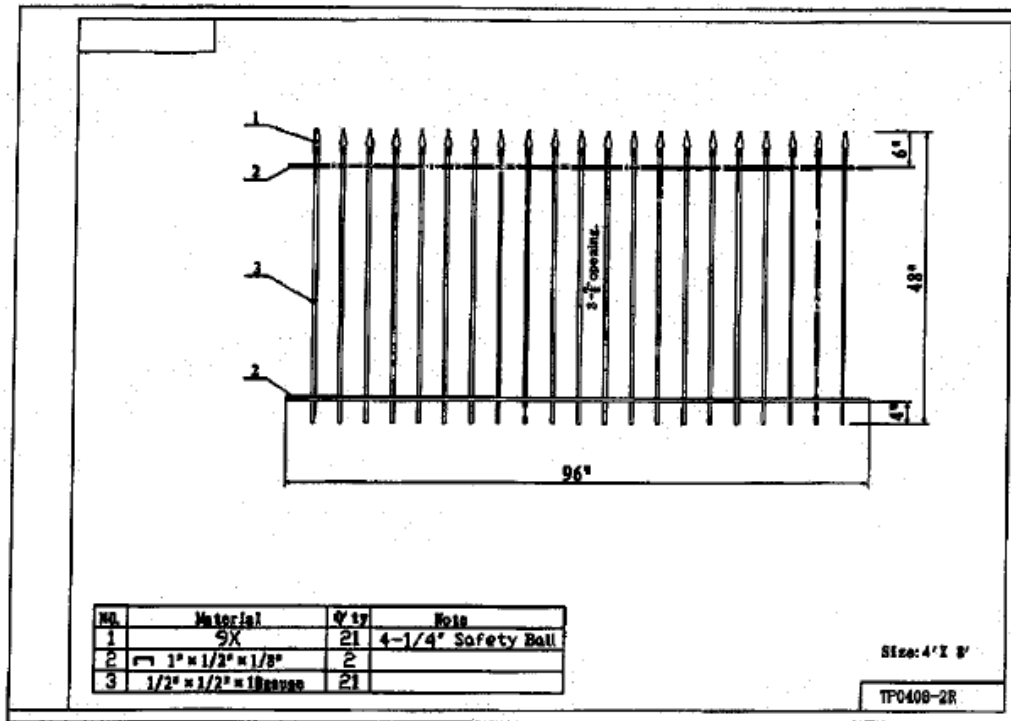
48" tall wrought iron fence

Attach as many pages or supporting materials as necessary. The Commission and its staff cannot make a determination on your application without a complete description of the property's proposed appearance, materials, and/or function. An application is not complete until all applicable supporting materials have been submitted to staff. Electronic submittals (email, scanned documents, PDF's, digital images, etc) are welcome.

Proposed fencing – 8' lengths supported by 2" square poles

2/11/2011

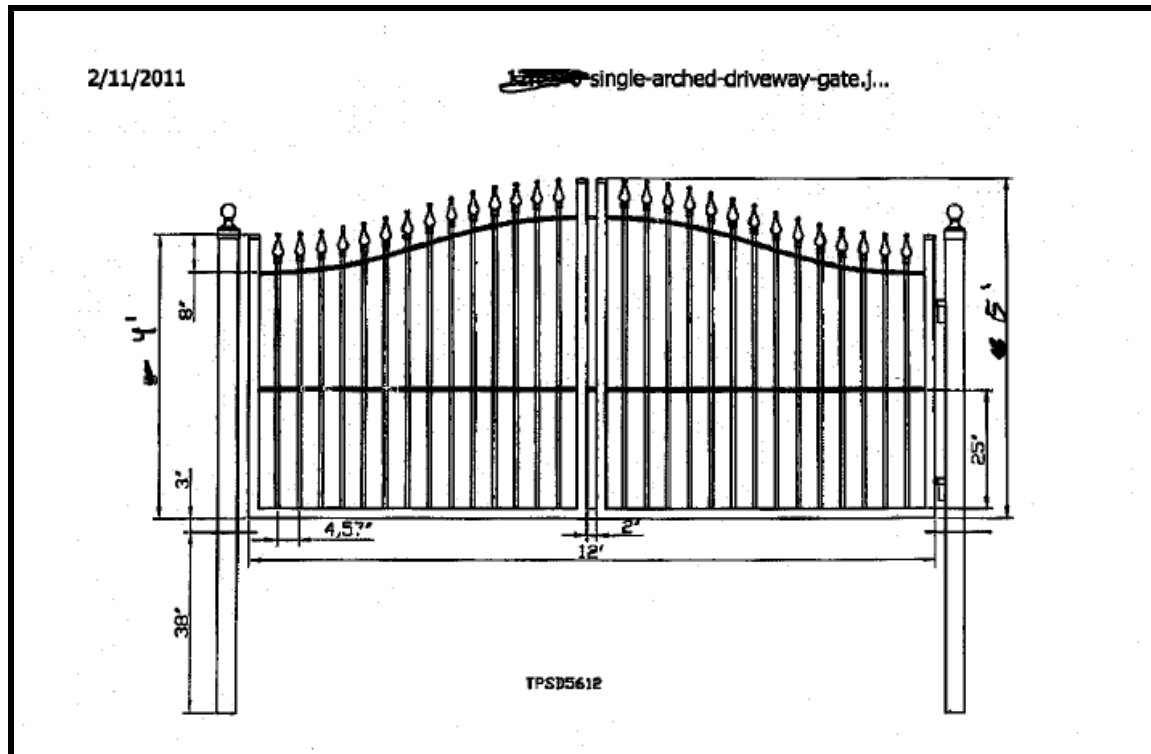
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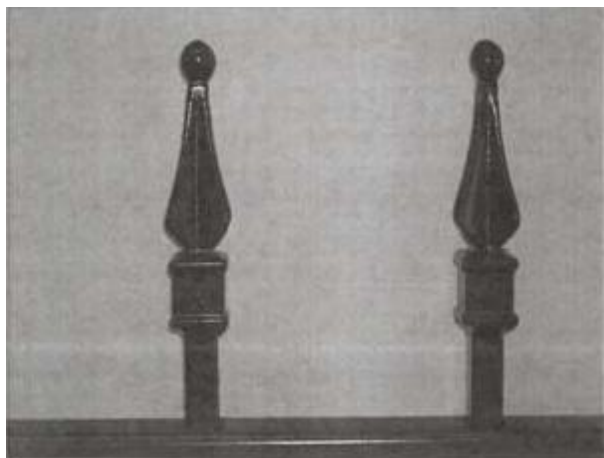
Proposed gate at existing curb cut onto Daisy Bates at NW corner of property

2/11/2011

~~single-arched-driveway-gate.j...~~



Proposed finials and post caps



Proposed installation of fence at historic walkways



Proposed fence

